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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 RUBEN JACOB MATUK, No. C 13-0204 WHA (PR)
11 Petitioner,
12 v.
13 MARTIN HOSHINO,
14 Respondent. (Docket Nos. 7, 8)

**DENIAL OF MOTION FOR
APPOINTMENT OF COUNSEL;
GRANTING EXTENSION OF TIME;
INSTRUCTIONS TO CLERK**

16 This is a habeas case filed by a state prisoner proceeding pro se. Respondent was
17 ordered to show cause why the petition should not be granted. Respondent filed an answer, a
18 supporting memorandum, and exhibits. Randy Baker, an attorney licensed to practice in
19 California has filed a notice of appearance as petitioner's counsel. Mr. Baker has also filed a
20 motion to be "appointed" as petitioner's counsel pursuant to the Criminal Justice Act ("CJA"),
21 18 U.S.C. 3006A, presumably in order to obtain funds authorized by the CJA for representation
22 of indigent petitioners in federal court. Mr. Baker has also filed a motion on behalf of petitioner
23 requesting an extension of time in which to file a traverse.

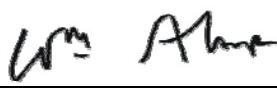
24 The Sixth Amendment's right to counsel does not apply in habeas corpus actions.
25 *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). However, the 18 U.S.C.
26 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner
27 whenever "the court determines that the interests of justice so require and such person is
28 financially unable to obtain representation." Petitioner has presented his claims adequately in

1 the petition, and they are not particularly complex. The Court determines that the interests of
2 justice do not require appointment of counsel at this stage of the case. The motion to appoint
3 Mr. Baker as counsel for petitioner pursuant to the CJA is **DENIED** (dkt. 8). As Mr. Baker has
4 filed a notice of appearance on behalf of petitioner that does not indicate that his representation
5 is conditioned on his appointment pursuant to the CJA, he is considered petitioner's attorney in
6 this case until and unless a motion to withdraw as petitioner's counsel showing good cause
7 therefor is granted. The Clerk shall keep Mr. Baker on the docket as petitioner's counsel.

8 The request for an extension of time, to and including July 22, 2013, in which to file a
9 traverse is **GRANTED** (dkt. 7).

10 **IT IS SO ORDERED.**

11 Dated: June 5, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE